



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 1

THE DEBT ARRANGEMENT SCHEME

7 Debt payment programmes: power to make further provision

- (1) The Scottish Ministers may, by regulations, make such further provision as they think fit in connection with—
- (a) applications for the approval, or for the variation, of debt payment programmes;
 - (b) the manner in which such programmes are to operate, including conditions with which debtors, creditors, payments distributors or money advisers must comply;
 - (c) the effect of such programmes; and
 - (d) the effect of the failure of an employer to comply with the duty under section 6(2) above.
- (2) The regulations may, in particular, make provision about—
- (a) the class of person who may or may not make an application for the approval, or the variation, of a debt payment programme;
 - (b) the class of debt in respect of which such an application may or may not be made;
 - (c) the matters to which the Scottish Ministers are to have regard in determining whether to approve such an application;
 - (d) the conditions which may or may not be attached to an approval of such an application;
 - (e) circumstances in which such an application will not be approved;
 - (f) appeals against determinations by the Scottish Ministers on such applications;
 - (g) circumstances in which the consent for the purposes of section 2(4) above of a creditor or creditors generally may be dispensed with;
 - (h) circumstances in which a creditor may object to—

Status: This is the original version (as it was originally enacted).

- (i) the dispensation of the creditor's consent; or
 - (ii) the approval of such an application,
- and the manner in which such objection may be made;
- (i) the remitting of any such application in respect of which a creditor has made an objection to the sheriff for determination;
 - (j) the manner in which a debt payment programme may be varied;
 - (k) the priority in which debts are to be paid under a debt payment programme;
 - (l) the ingathering and sale or other disposal of assets and the distribution to creditors of amounts so realised;
 - (m) the period for which a debt payment programme is to remain in operation;
 - (n) circumstances in which, and the procedure under which, any such period can, in relation to a particular debt payment programme, be shortened or extended;
 - (o) circumstances in which a debt payment programme is to cease to have effect;
 - (p) subject to section 4 above, the manner in which a debt payment programme affects the rights or remedies of a creditor or other third party;
 - (q) circumstances in which creditors are to notify debtors of the right to make such an application and the effect of the failure of a creditor to provide that notice;
 - (r) the class of person who may act as a payments distributor;
 - (s) the class of person who may act as a money adviser;
 - (t) the functions of a payments distributor;
 - (u) the functions of a money adviser;
 - (v) the establishment and maintenance by the Scottish Ministers of a register of debt payment programmes and applications for the approval, and variation, of such programmes;
 - (w) the information which is to be kept in such a register;
 - (x) the manner in which that information is to be kept and in which it, or any part of it, is to be made available to the public; and
 - (y) the determination, and charging, by the Scottish Ministers of fees in respect of—
 - (i) the consideration of applications for the approval, or the variation, of a debt payment programme; and
 - (ii) the provision of information recorded in the register of debt payment programmes.
- (3) The regulations may also—
- (a) make different provision in relation to such different types of debtors, debts or other matters as may be described by the Scottish Ministers;
 - (b) provide that such different provision is to have effect only for such period as is specified by the Scottish Ministers; and
 - (c) provide that, on the expiry of that period, the Scottish Ministers may determine that the different provision to which they relate is to—
 - (i) continue to have effect without limit of time;
 - (ii) continue to have effect for such further period as may be determined by the Scottish Ministers; or
 - (iii) cease to have effect.
- (4) The regulations may also modify any enactment (including this Act), instrument or document for the purposes of making such further provision as is mentioned in subsection (1) above.